

EXECUTIVE CHAMBERS

HONOLULU

July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 156

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval Senate Bill No. 156 entitled "A Bill for an Act Relating to Voting."

The purpose of this bill is to authorize permanent absentee voting for registered voters who request an absentee ballot for the current election. The voter will be a permanent absentee voter unless he or she requests termination in writing, dies, registers in another jurisdiction, fails to vote, or the ballot comes back as undeliverable.

This bill is objectionable because it opens the voting process to potential abuses without demonstrating that the current absentee voting system is not working.

First, as noted by the clerks of the respective counties and the Office of Elections, this bill places additional burdens and duties on them without adequate time to change the voting registration regulations and without appropriate resources to do so. While the bill appropriates federal funds from the Help America Vote Act (HAVA), insofar as a permanent absentee voter program is not part of the State's approved election plan, under 42 U.S.C. section 15404(b)(2), HAVA funds cannot be used for this purpose.

Second, while this bill provides that the voter shall be responsible for informing the county clerks of changes in the

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voter's personal information, it does not establish a means for verifying or confirming the information. Given Hawaii's mobile population, relying solely on voters to assume this responsibility is unrealistic. Nor is it clear how the county clerk is notified if the voter moves, particularly if the individual does not register to vote in another jurisdiction and does not notify the county clerk of his or her new address. Additionally, there are no penalties provided in this bill for those who fraudulently use the permanent absentee ballot of another individual.

Absentee voting has increased significantly during the last three election cycles. There is no evidence to indicate that the current requirement to request an absentee ballot prior to each election has unduly hindered any population subgroup from participating and casting its ballot. I commend the work of the Office of Elections in providing technologies that allow those who are handicapped or aged to cast their ballots when they choose to come to the polling place on election day. I also believe they are fairly and appropriately administering current laws which allow for absentee ballots, while providing important safeguards to ensure that the voter still resides within his or her voting district and is eligible to cast a vote in the coming election.

For the foregoing reasons, I am returning Senate Bill No. 156 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Lingle", is written over the printed name "LINDA LINGLE".

LINDA LINGLE
Governor of Hawaii